

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

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In re:

**Judy Kokeny**

S.S. xxx-xx-6099

Mailing Address: 1284 Miracle Dr., Wake Forest, NC 27587

Case No. 08-04129-8-JRL

Chapter 13

Debtors.

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**APPLICATION TO INCUR DEBT  
(In Regard to Loan Modification)**

**NOW COME the Debtors**, by and through counsel undersigned, and in accordance with Local Bankruptcy Rule 4002-1(f)(4), EDNC, who hereby apply for permission to incur debt for the purpose of doing a loan modification, and in support hereof, the following is alleged:

1. The Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code on June 20, 2008.
2. The Debtors own real property located at 1284 Miracle Dr., Wake Forest, NC 27587, which property serves as collateral for the current mortgage loan held by Wells Fargo Home Mortgage.
3. Attached as an exhibit is a copy of the "Loan Modification", which provides more detail.
4. The Debtors have already obtained a commitment stating that the projected monthly payment of the new mortgage to be \$980.02 per month.
5. In addition to lowering their monthly mortgage payment, the Debtors wish to finalize the loan modification for the following reasons:
  - a. To catch up on post-petition mortgage delinquency.
  - b. To lower interest rate.
6. It is therefore in the best interest of the bankruptcy estate to allow the Debtors to do a loan modification with said real property.
7. Attorney for the Debtors further applies herein, with the knowledge, consent and approval of the Debtors and in accordance with Bankruptcy Rule 2016(b) and Local Rule 2016-1(a)(4), for approval of an attorney fee in the amount of \$250.00 for the reasonable value of the services rendered in processing this Application To Incur Debt. The amount applied for is the "presumptive" amount set forth in said Local Rule. Said attorney has provided the Debtors with a copy of said Local Rule.

**WHEREFORE**, the Debtors respectfully pray that this Court authorize them to modify their current mortgage, so long as the new, modified monthly mortgage payment does not substantially exceed \$980.02 per month, and approve an additional attorney fee in the amount of \$250.00, to be paid by the Chapter 13 Trustee as an administrative expense.

Dated: December 11, 2009

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

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John T. Orcutt

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